

Message Text

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DRAFTED BY EUR/SE:HDCOLLUMS:CSR
APPROVED BY EUR/SE:CEDILLERY
L/ERU:JWILLIS
JUSTICE:JKEENEY (SUBS)
-----057394 112057Z /46
P 112010Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY ANKARA PRIORITY

C O N F I D E N T I A L STATE 203762

E.O. 11652: GDS

TAGS: THGA, ETRD, MILI, PEPR, TU

SUBJECT: LOCKHEED CASE

REF: ANKARA 5432

1. DEPT HAS CONFIRMED WITH JUSTICE DEPT THAT AGREEMENT WITH TURKISH MINISTRY OF JUSTICE REGARDING EXCHANGE OF INFORMATION ON THE LOCKHEED CASE (ORIGINALLY SIGNED IN JULY 1976) WAS RENEWED FOR ANOTHER YEAR, EFFECTIVE JULY 8. EXTENSION WAS EFFECTED THROUGH AN EXCHANGE OF LETTERS BETWEEN JUSTICE AND TURKISH EMBASSY IN WASHINGTON.
2. JUSTICE HAS MADE AVAILABLE TO TURKISH EMBASSY ALL PERTINENT INFORMATION IN ITS FILES ON THE LOCKHEED CASE UNDER TERMS OF THE AGREEMENT. HOWEVER, JUSTICE DENIED A REQUEST BY TURKEY AND OTHER FOREIGN GOVERNMENTS FOR RELEASE OF PORTIONS OF THE LOCKHEED AUDIT REPORT ANNEX, WHICH IS CONFIDENTIAL

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UNDER A PROTECTIVE COURT ORDER AND, HENCE, FALLS OUTSIDE TERMS OF AGREEMENT. JUSTICE OBTAINED DOCUMENT FOR POSSIBLE USE WITH GRAND JURY DURING ONGOING CRIMINAL INVESTIGATION AND IS PROHIBITED FROM RELEASING SUCH MATERIAL UNDER FEDERAL RULE OF CRIMINAL PROCEDURE 6(E) (TEXT IN PARA 4). HOWEVER, JUSTICE HAS INDICATED TO THE TURKISH EMBASSY, AS WELL AS OTHER INTERESTED FOREIGN GOVERNMENTS, THAT IT

WOULD BE WILLING TO TURN OVER TO THEM ANY PORTIONS OF THE

ANNEX WHICH EVENTUALLY BECOME PART OF PUBLIC COURT RECORD.
ACCORDINGLY, WE DO NOT RPT NOT BELIEVE FORMAL REQUEST FOR
ANNEX BY TURKISH COURT DIRECTLY TO US COURT WOULD LEAD
TO RELEASE OF INFORMATION PRIOR TO ITS USE IN US COURT
PROCEEDING.

3. DEPT AND JUSTICE SHARE VIEW THAT SUGGESTED VISIT BY
TURKISH DEPUTY PRIMER SUKAN WOULD NOT RPT NOT RESULT IN
AGREEMENT TO TURN OVER ANNEX. RESTRICTIONS ON RELEASE
HAVE BEEN IMPOSED BY U.S. LAW, VIOLATION OF WHICH IS
SUBJECT TO CITATION FOR CONTEMPT OF COURT.

4. TEXT OF FEDERAL RULE OF CRIMINAL PROCEDURE 6 (E).

BEGIN TEXT:

RULE 6(E) SECRECY OF PROCEEDINGS AND DISCLOSURE.

DISCLOSURE OF MATTERS OCCURRING BEFORE THE GRAND JURY OTHER
THAN ITS DELIBERATIONS AND THE VOTE OF ANY JUROR MAY BE
MADE TO THE ATTORNEYS FOR THE GOVERNMENT FOR USE IN THE
PERFORMANCE OF THEIR DUTIES. OTHERWISE A JUROR, ATTORNEY,
INTERPRETER, STENOGRAPHER, OPERATOR OF A RECORDING DEVICE,
OR ANY TYPIST WHO TRANSCRIBES RECORDED TESTIMONY MAY DIS-
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CLOSE MATTERS OCCURRING BEFORE THE GRAND JURY ONLY WHEN
SO DIRECTED BY THE COURT PRELIMINARY TO OR IN CONNECTION
WITH A JUDICIAL PROCEEDING OR WHEN PERMITTED BY THE COURT
AT THE REQUEST OF THE DEFENDANT UPON A SHOWING THAT
GROUNDS MAY EXIST FOR A MOTION TO DISMISS THE INDICTMENT
BECAUSE OF MATTERS OCCURRING BEFORE THE GRAND JURY. NO
OBLIGATION OF SECRECY MAY BE IMPOSED UPON ANY PERSON EX-
CEPT IN ACCORDANCE WITH THIS RULE. THE COURT MAY DIRECT
THAT AN INDICTMENT SHALL BE KEPT SECRET UNTIL THE DEFEN-
DANT IS IN CUSTODY OR HAS GIVEN BAIL, AND IN THAT EVENT
THE CLERK SHALL SEAL THE INDICTMENT AND NO PERSON SHALL
DISCLOSE THE FINDING OF THE INDICTMENT EXCEPT WHEN
NECESSARY FOR THE ISSUANCE AND EXECUTION OF A WARRANT OR
SUMMONS. END TEXT. VANCE

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